

**IN THE DISTRICT COURT OF MCCLAIN COUNTY
STATE OF OKLAHOMA**

LAWRENCE JOHNSON III,

Plaintiff,

vs.

WILLIAM MICHAEL FITZGERALD,
a resident of Michigan,
and TRANSIT TEC, INC.,
a domestic for profit company registered
in the State of Minnesota
and WESTERN NATIONAL MUTUAL
INSURANCE CO.,

Defendants.

Case No.: CJ- 20-129

FILED IN DISTRICT COURT
McClain County, Oklahoma

AUG 28 2020

Kristel Gray, Court Clerk

PETITION

Plaintiff, Lawrence Johnson III, pursuant to 12 O.S. § 2003, hereby commences a civil action against Defendants William Michael Fitzgerald and Transit Tec, Inc. and Western National Mutual Insurance Co., for his cause of action, respectfully states as follows:

I. Parties, Jurisdiction, and Venue.

1. That on or about December 4th, 2019, on an Interstate Highway near Purcell, McClain County, State of Oklahoma, Defendant William Michael Fitzgerald operated a vehicle in a negligent manner causing a the vehicle in which Plaintiff was a passenger to take evasive action and crash.
2. Defendant, Transit Tec, Inc. was at all times material hereto, registered with the United States Department of Transportation as an Interstate Motor Property Contract Carrier receiving common authority to operate under USDOT Number 492921 and Operating Authority Number MC 255885

**DEFENDANT'S
EXHIBIT**

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1. According to the most recent records maintained by the Minnesota Secretary of State, Transit Tec, Inc. was at all times material hereto, a domestic for-profit business maintaining its principle place of business in the State of Minnesota.

2. Defendant William Michael Fitzgerald was the driver of Transit Tec, Inc's vehicle at the time of the crash, and at all times material hereto, a resident of, and domiciled in Northbranch, Michigan.

3. Defendant Western National Mutual Insurance Company issued Defendant Transit Tec, Inc., a liability insurance policy for a period inclusive of December 4th, 2019, and is bound to make compensation for injuries to persons resulting from the operations of Defendant Transit Tec, Inc. a motor carrier engaged in intrastate commerce, pursuant to 47 O.S. § 230.30. *Alfalfa Elec. Coop., Inc. v. Mid-Continent Cas. Co.*, 2015 OK CIV APP 53, 350 P.3d 1276.

4. Defendant Western National Mutual Insurance Company, pursuant to 36 O.S. § 621, is an authorized insurer under the laws of the State of Oklahoma and has appointed the Insurance Commissioner as its agent to receive service of legal process issued against it in the State of Oklahoma.

5. Venue attaches in McClain County, State of Oklahoma, pursuant to 12 O.S. § 137, as Defendant Western National Mutual Insurance Co is a foreign insurance company and McClain County, State of Oklahoma is where such cause of action, or any part thereof arose.

6. The District Court for McClain County, State of Oklahoma, has jurisdiction over this civil action pursuant to 12 O.S. § 2004(F).

II. Cause of Action

7. On December 4th, 2019, Defendant William Michael Fitzgerald was driving a 2019 White MCIN Motor Coach.

8. At the time of the crash, Defendant William Michael Fitzgerald was engaged in the work which was assigned to him by Defendant Transit Tec, Inc.

9. At all times material hereto, Defendant William Michael Fitzgerald was acting in the course and scope of his employment and/or agency with Defendant Transit Tec, Inc. As such, the negligent acts and omissions of Defendant William Michael Fitzgerald are the acts and omissions of Defendant Transit Tec, Inc.

10. Defendant Transit Tec, Inc. is liable for the negligent acts and omissions of Defendant William Michael Fitzgerald alleged herein.

11. In the alternative, if Defendant William Michael Fitzgerald was not acting in the course and scope of his employment and/or agency with Defendant Transit Tec, Inc., the accident was due to William Michael Fitzgerald 's negligence.

12. Plaintiff, Lawrence Johnson III, was a passenger in a 2019 black Kia Soul, southbound on I-35 near Purcell, Oklahoma.

13. The Motorcoach owned by Transit Tec, Inc. came into the lane of the vehicle in which the Defendant was a passenger, forcing the driver of said vehicle to take evasive action and strike a cable barrier.

14. Plaintiff Lawrence Johnson III has suffered damages in regards to all or some of the following:

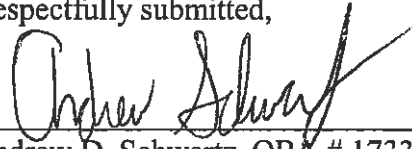
a. Pain and Suffering;

b. Medical costs of since the wreck and future medical costs, and

- c. Any further damages which may be shown through discovery in such amount as is just and reasonable, all of which are in excess of the amount required for diversity jurisdiction pursuant to 12 U.S.C. § 1332.

WHEREFORE, Plaintiff, Lawrence Johnson III, after trial, respectfully requests an award of all damages sustained, interests, costs and attorney's fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Schwartz", is written over a horizontal line.

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